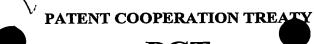
Translation





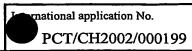
PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1889/PCT	FOR FURTHER ACT	R FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)					
International application No. PCT/CH2002/000199	International filing date of O9 April 2002 (Priority date (day/month/year)				
International Patent Classification (IPC) or national classification and IPC A61B 17/82, 17/58							
Applicant SYNTHES AG CHUR							
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 							
2. This REPORT consists of a total of	4 sheets, in	ncluding this cover s	sheet.				
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a to	tal ofsh	eets.					
3. This report contains indications rela	ting to the following item	ıs:					
I Basis of the report	I Basis of the report						
II Priority							
III Non-establishment	of opinion with regard to	novelty, inventive s	tep and industrial applicability				
IV Lack of unity of inv							
V Reasoned statement citations and explan	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
VI Certain documents	cited						
VII Certain defects in the	he international applicatio	n					
VIII Certain observations on the international application							
Date of submission of the demand		Date of completion	of this report				
19 September 2003 (19.09.2003)		22	2 July 2004 (22.07.2004)				
Name and mailing address of the IPEA/EP		Authorized officer					
Facsimile No.		Telephone No.					

INTERNATIONAL PROMINARY EXAMINATION REPORT



L. Basis of the report							
1. With regard to the elements of the international application:*							
	the international application as originally filed						
	the desc	cription:					
	pages	1-7	, as originally filed				
	pages		, filed with the demand				
	pages	, filed with the letter of					
	the clair	ms:					
	pages	1-11	, as originally filed				
	pages	, as amended (together with	any statement under Article 19				
	pages		, filed with the demand				
	pages	, filed with the letter of					
	the drav	wings:					
	pages	1/5-5/5	, as originally filed				
	pages		, filed with the demand				
1	pages	, filed with the letter of					
$ \Box_{\mathfrak{t}}$	the seque	nce listing part of the description:					
_	pages		, as originally filed				
	pages						
	pages	, filed with the letter of					
Thesi	the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).						
3. With	regard	to any nucleotide and/or amino acid sequence disclosed in the international xamination was carried out on the basis of the sequence listing:	application, the international				
	contair	ned in the international application in written form.					
┨	filed to	gether with the international application in computer readable form.					
	furnish	ed subsequently to this Authority in written form.					
		ed subsequently to this Authority in computer readable form.					
		tatement that the subsequently furnished written sequence listing does not go attional application as filed has been furnished.	beyond the disclosure in the				
	The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.						
4.	The an	nendments have resulted in the cancellation of:					
		the description, pages					
		the claims, Nos.					
1		the drawings, sheets/fig					
5. 🗌	This rep	port has been established as if (some of) the amendments had not been made, since the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	hey have been considered to go				
* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).							
** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.							

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.				
T/CH	02/00199			

v.	Reasoned statement under Article 3 citations and explanations supporting	5(2) with regard to novelong such statement	ty, inventive step or industrial appl	icability;
1.	Statement			
	Novelty (N)	Claims	1-11	YES ·
	·	Claims	•	NO
	Inventive step (IS)	Claims	1-11	YES
		Claims		NO
	Industrial applicability (IA)	Claims	1-11	YES
		Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-5 810 832

D2: US-A-5 851 209.

- 2.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses a device for guiding a cerclage about a bone (see D1: title; see also figure 4), said device comprising the features of paragraphs A) and B) of the present claim 1.
- 2.2 The subject matter of claim 1 differs therefrom in that the axis of the central drill hole at the front end of the shaft is angled relative to the central axis of the shaft and, as a result, the guide wire at the front end of the shaft is angled relative to the central axis of the shaft (paragraph C)).

The subject matter of claim 1 is therefore **novel** (PCT Article 33(2)).

2.3 The problem addressed by the present invention is that of guiding the wire around a bone.

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F/CH 02/00199

2.4 Although document **D2** also relates to the above problem, it discloses a shaft which is curved at its distal end.

By comparison therewith, the technical solution according to claim 1 is advantageous in that the shaft is straight. In consequence, the incision is smaller.

Thus, the features of claim 1 involve an **inventive** step (PCT Article 33(3)).

2.6 Claims 2 to 11 are dependent on claim 1 and thus also satisfy the requirements of the PCT in respect of novelty and inventive step.